

INITIATIVE 191

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 191 to the Legislature is a true and correct copy as it was received by this office.

1 **AN ACT Relating to the Office of State Inspector General;** adding a
2 new chapter to Title 43 RCW; reenacting and amending RCW 43.17.010;
3 amending RCW 43.17.020; and adding a new section to chapter 41.06 RCW.

4 *BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:*

5 **NEW SECTION. Sec. 1. Purpose-** It is the purpose of this chapter
6 to create a new agency to investigate complaints of malfeasance or
7 abuse by government agencies or employees, and to enforce fair and
8 ethical practices by licensees doing business in the State.

9 The Office of State Inspector General shall work with State
10 Auditors in investigating complaints thoroughly and conscientiously,
11 and shall be authorized to enlist the assistance of volunteers from the
12 public sector, to act as interns in preliminary inquiries, to ease the
13 investigative caseload.

14 **NEW SECTION. Sec. 2. Definitions-** Unless the context clearly
15 requires otherwise, the definitions in this section shall apply
16 throughout this chapter.

17 (1) "Director" means the director of the Office of State Inspector
18 General.

19 (2) "Office" means the Office of State Inspector General.

(3) "lay individuals" means neither bar nor police members, nor career-oriented businessmen

(4) "fair and ethical practices" means that which does not cheat nor injure others.

(5) "fairness and common sense" means that with which reasonable minds would concur and agree.

NEW SECTION. Sec. 3. Vestment of Powers- There is created a department of state government to be known as the Office of State Inspector General, to monitor and enforce honesty and ethics, and improve oversight, efficiency and accountability in governmental and business practices. The Office is vested with all powers and duties as are authorized by law.

NEW SECTION. Sec. 4. Funding- The Office of State Inspector General shall be financed by the State General Fund, and augmented by any federal programs for which it qualifies, and any gifts, grants or endowments it receives from public or private entities. The Office shall have authority to purchase facilities, equipment and supplies in the conducting of it's business, and to enter into contracts with public or private entities for studies and other services. The Office shall undergo an annual audit, and shall publish an annual report summarizing it's activities.

NEW SECTION. Sec. 5. Independence of Agency- It is intended that the Office of State Inspector General shall be the People's Advocate in guarding against malfeasance, fraud or abuse from any quarter. A civilian agency, it shall exercise no police powers over the general populace. Recognizing that maintaining the integrity of this agency is critical, it shall remain independent of political or capital interests, and care shall be taken to prevent any undue influence or control of this agency by bar or police organizations, or any other vested interests who themselves might be subject to scrutiny by this agency.

NEW SECTION. Sec. 6. Oversight, Coordination by Executive Committee- An Executive Committee shall be established to oversee and coordinate the activities of the Office, and shall establish such administrative structures as are deemed necessary for the conducting of

1 it's affairs. The Executive Committee shall be assembled in such form
2 as to assure integrity and continuity in it's mission, and shall be
3 comprised of seven members, the majority of whom shall be lay
4 individuals.

5 **NEW SECTION. Sec. 7. Directorship-** The executive head of the
6 Office shall be the Director. The Director shall be appointed by the
7 Governor, with the consent of the Senate, upon demonstrating an
8 unwavering commitment to upholding the rights of the people under the
9 State and Federal Constitutions, and to uncovering abuse in any
10 quarter. The Director shall be paid a salary fixed by the Governor in
11 accordance with RCW 43.03.040, and shall be limited to a maximum of two
12 five-year terms in office.

13 **NEW SECTION. Sec. 8. Appointment of Consulting Committees-**
14 Exercising supervisory powers over the Office, the Director may employ
15 such assistants and personnel as are deemed necessary for the general
16 administration of the Office, after consulting with and obtaining the
17 approval of the Executive Committee. This employment shall be in
18 accordance with State Civil Service law, Chapter 41.06 RCW, except as
19 otherwise provided. The Director may also enlist the assistance of
20 qualified volunteers from the public sector, as provided by State
21 internship codes. The Director shall appoint a deputy director, an
22 office personnel director, and such assistant directors as may be
23 needed to administer the Office. The deputy director shall have charge
24 and general supervision of the Office in the absence or disability of
25 the Director and, in case of vacancy in the office, the deputy director
26 shall continue in charge of the Office until a successor is qualified
27 and appointed, or until the Governor appoints an acting Director. The
28 Director may appoint state-wide committees or councils on such matters
29 as come within the Office's responsibilities. The Director may also
30 appoint such committees and councils as may be required by federal
31 legislation as a condition to the receipt of federal funds by the
32 Office. These committees and councils shall have substantial consumer
33 representation, and members of such advisory councils or committees may
34 be paid their travel expenses in accordance with RCW 43.03.050 and RCW
35 43.03.060.

1 **NEW SECTION. Sec. 9. Grounds for Removal-** The Director shall be
2 responsible for the official acts of any appointees in the Office, and
3 shall appoint only those individuals of the highest integrity and
4 motivation. Likewise, volunteers applying to act as interns with this
5 agency shall undergo the same rigorous screening for competence and
6 integrity as in the hiring of permanent staff. Any unfounded abuse,
7 neglect of duty, or betrayal of the public trust by any participants in
8 this agency shall be grounds for immediate dismissal and/or criminal
9 prosecution under RCW 43.01.125, and any other applicable statutes. In
10 all cases, personnel at any level shall be subject to recall for cause
11 by an informed electorate; *Provided*, that any misleading, unfounded or
12 libelous reports designed to merely harass or intimidate any appointees
13 of this agency shall be challenged as media assault. In all cases, any
14 reports involving this agency shall entitle it to equal time or space
15 to rebut unfounded allegations.

16 **NEW SECTION. Sec. 10. Authority to Conduct Hearings-** The Office
17 of State Inspector General shall have authority to issue subpoenas,
18 take depositions, conduct hearings and issue Executive Orders; shall
19 have prompt and ready access to all public offices, facilities and
20 records; and may enlist the assistance of state and local police, or
21 the resources of other public agencies, in the conduct of it's
22 business. Upon investigation and findings by this agency, the Office
23 shall be authorized to launch court challenges to any departmental
24 order considered to be incorrect or unjust, towards interceding upon or
25 superceding them in the interest of justice; and the Office may secure
26 injunctions pending review in emergency situations where life or
27 property are jeopardized. Actions brought to court by this agency
28 shall take precedence over other cases, and shall be decided promptly.
29 Exercising state-wide jurisdiction and disciplinary authority over all
30 public employees in the state, it shall be unlawful for any public
31 employee to fail to report known violations, abuses or misconduct by
32 any other public employee; and any public employee found to be
33 hindering, delaying or failing to cooperate in any investigation by
34 this agency shall be subject to immediate suspension; excepting
35 executive, legislative or judicial personnel acting in official
36 capacities in fair and impartial proceedings. Should it become
37 required by law that all public employees directly effecting the public
38 must carry a performance bond against wrongful and intentional

1 misconduct which harms the public, this agency shall conduct
2 investigations to determine culpability and extent of damages, and
3 shall thereupon assist the injured party in any court action to order
4 restitution from the bond surety.

5 **NEW SECTION.** Sec. 11. **Judicial Performance Not Exempt from**
6 **Review-** The concept of checks and balances being crucial to the just
7 and orderly functioning of a democracy which serves it's people,
8 judicial performance shall not be exempt from review and censure by
9 this agency. Any certifiable finding of flagrant judicial
10 improprieties, such as bias which constitutes any form of obstruction
11 of justice, or decisions reflecting other than fairness and common
12 sense, shall be conveyed to appropriate authorities with
13 recommendations for either censure or removal from office. In cases of
14 alleged malfeasance by executive or legislative officials, the Office
15 shall have authority to submit prima facie evidence to a judicial panel
16 convened for the purpose, and investigations shall proceed upon warrant
17 of probable cause. While having authority by Executive Order to fine,
18 fire or recommend the jailing of any public employee for gross
19 malfeasance in office, this authority shall not extend to federal
20 employees operating in the state, except to notify the appropriate
21 federal authorities of investigative findings. If violations persist
22 by federal employees after such notification, the Office may, either on
23 it's own behalf, or with the assistance of the Attorney General,
24 institute suit against the appropriate federal agency to correct the
25 wrongdoing. In all events, investigations by this agency shall be
26 separate and independent of any investigations conducted in-house by
27 factions representing their own. In cases of malfeasance, fraud or
28 abuse by commercial entities, or anyone else doing business in the
29 State, the Office may work with the Department of Licensing, or any
30 other relevant agency, to order restitution and otherwise enforce
31 compliance in correcting deficiencies or wrongdoings.

32 **NEW SECTION.** Sec. 12. **Published Commentary of Pending**
33 **Legislations-** The Office of State Inspector General may, at it's own
34 election, forward proposed legislations towards addressing any
35 widespread violations it finds. The public shall be notified by
36 publication of any such proposed legislations by this agency and shall
37 be afforded opportunities to register well-founded views on each. In

1 cases of proposed legislations being forwarded the Office will also
2 publish the legislative results on the proposed legislations. The
3 Office may also, at it's election, publish a daily roster of bills
4 currently under consideration in the legislature, or any other public
5 body, the rationale for each, and any commentary it wishes to include
6 on how they benefit, or fail to benefit, the public.

7 **NEW SECTION. Sec. 13. Competency Tests, Compiling Reports-**
8 Should it become required by law that public office seekers must submit
9 to intelligence and psychological testing, and disclose such things as
10 biases, affiliations, personal agendas or to whom they might be
11 beholden, the Office of State Inspector General shall work with the
12 Civil Service and Public Disclosure Commissions in compiling reports.
13 Likewise in verifying the fitness, literacy and basic reasoning powers
14 of prospective jurors.

15 **NEW SECTION. Sec. 14. Retaliation Against Complainants, Filing**
16 **Frivolous Complaints, Unlawful-** It shall be unlawful for anyone to
17 retaliate against any complainant filing a grievance with this agency.
18 Complaints shall be supported by Sworn Affidavit, and the Office may,
19 at it's discretion, accept anonymous complaints, and shall observe
20 confidentiality of complainants upon declaration of awkwardness or
21 disadvantage through filing such complaint. It being conceivable that
22 frivolous, deceitful or malicious complaints might be filed by petty or
23 troublesome individuals merely for the sake of harassment or
24 obstruction, the Office shall, at it's discretion, have authority to
25 require a bond from suspect complainants to proceed with an
26 investigation, or ask that they submit to polygraph examinations to
27 verify their allegations of wrongdoing. Obviously frivolous complaints
28 filed shall be prosecutable under harassment statutes.

29 **NEW SECTION. Sec. 15. Appeals-** Anyone aggrieved by any act or
30 decision of this agency may appeal to any state court or federal agency
31 having monitoring jurisdiction over state agencies; *Provided*, that they
32 post any appeal bond required by laws pertinent to the filing of such
33 appeals. Any appeals notwithstanding, any fines, suspensions or
34 firings instituted by Executive Order after investigation by this
35 agency shall remain in effect until such time as they might be
36 overturned on review.

1 **NEW SECTION.** Sec. 16. A new section is added to chapter 41.06 RCW
2 as follows: The Civil Service provisions of this chapter shall not
3 apply in the Office of State Inspector General to the director, the
4 deputy director, all assistant and division directors, and one
5 confidential secretary for each of these officers.

6 **NEW SECTION.** Sec. 17. RCW 43.17.010 and 1993 sp.s c 2 a 16, 1993
7 c 472 s 17, and 1993 c 280 a 18 are reenacted and amended to read as
8 follows: There shall be departments of the state government which
9 shall be known as: "...and (16) the Office of State Inspector
10 General".

11 **NEW SECTION.** Sec. 18. RCW 43.17.020 and 1995 1se sp.s c 2 s 2 are
12 each each amended to read as follows: There shall be a chief executive
13 officer of each department to be known as: "...and (16) the Director
14 of the Office of State Inspector General".

15 **NEW SECTION.** Section. 19. **Effective-** This act is necessary for
16 the immediate furtherance of the public peace, safety and welfare, and
17 support of orderliness and integrity of the state government and it's
18 existing institutions, and shall take effect upon thirty days of
19 approval in accordance with law.

20 **NEW SECTION.** Sec. 20. **Disclaimers-** Sections 1 through 15 of this
21 act constitute a new chapter in Title 43 RCW. If any stipulation of
22 this Initiative is found to be invalid, the rest shall remain in effect
23 for purposes of establishing this new department.

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